

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. The following Senators were necessarily absent: the Senator from Missouri, (Mr. BOND), the Senator from Montana, (Mr. BURNS), and the Senator from Kentucky, Mr. McCONNELL.

Further, if present and voting, the Senator from Montana (Mr. BURNS) would have voted "nay."

Ms. STABENOW. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois, (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA), are necessarily absent. I further announce that, if present and voting, the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. OBAMA) would each vote "aye."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—61

Akaka	Dorgan	Nelson (NE)
Allen	Feingold	Pryor
Baucus	Feinstein	Reed
Bayh	Hagel	Reid
Bennett	Harkin	Rockefeller
Bingaman	Hatch	Salazar
Boxer	Hutchison	Sarbanes
Byrd	Inouye	Schumer
Cantwell	Jeffords	Smith
Carper	Johnson	Snowe
Chafee	Kennedy	Specter
Clinton	Kohl	Stabenow
Coburn	Lautenberg	Stevens
Coleman	Leahy	Sununu
Collins	Levin	Talent
Conrad	Lieberman	Thune
Corzine	Lincoln	Voinovich
Craig	McCain	Warner
Crapo	Mikulski	Wyden
Dayton	Murray	
Dodd	Nelson (FL)	

NAYS—31

Alexander	Domenici	Lugar
Allard	Ensign	Martinez
Brownback	Enzi	Murkowski
Bunning	Frist	Roberts
Burr	Graham	Santorum
Chambliss	Grassley	Sessions
Cochran	Gregg	Shelby
Cornyn	Inhofe	Thomas
DeMint	Isakson	Vitter
DeWine	Kyl	
Dole	Lott	

NOT VOTING—8

Biden	Durbin	McConnell
Bond	Kerry	Obama
Burns	Landrieu	

The amendment (No. 464) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the Senators from Illinois, Mr. DURBIN and Mr. OBAMA, are necessarily absent today to attend the dedication and opening of the Abraham Lincoln Presidential Library and Museum in Springfield, IL.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside so I might call up the amendment at the desk, No. 463.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 463

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 463.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a quarterly report on audits conducted by the Defense Contract Audit Agency of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan and to address irregularities identified in such reports)

On page 169, between lines 8 and 9, insert the following:

AUDITS OF DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN

SEC. 1122. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Defense Contract Audit Agency, shall submit to the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives a report that lists and describes audits conducted by the Defense Contract Audit Agency of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan.

(2) The Secretary of Defense shall identify in the report submitted under paragraph (1)—

(A) any such task or delivery order contract or other contract that the Director of the Defense Contract Audit Agency determines involves costs that are unjustified, unsupported, or questionable, including any charges assessed on goods or services not provided in connection with such task or delivery order contract or other contract; and

(B) the amount of the unjustified, unsupported, or questionable costs and the percentage of the total value of such task or delivery order contract or other contract that such costs represent.

(3) The Secretary of Defense shall submit to the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives an update of the report submitted under paragraph (1) every 90 days thereafter.

(b) In the event that any costs under a contract are identified by the Director of the Defense Contract Audit Agency as unjustified, unsupported, or questionable pursuant to subsection (a)(2), the Secretary of Defense shall withhold from amounts otherwise payable to the contractor under such contract a sum equal to 115 percent of the total amount of such costs.

(c) Upon a subsequent determination by the Director of the Defense Contract Audit

Agency that any unjustified, unsupported, or questionable cost for which an amount payable was withheld under subsection (b) has been justified, supported, or answered, as the case may be, the Secretary of Defense may release such amount for payment to the contractor concerned.

(d) In each report or update submitted under subsection (a), the Secretary of Defense shall describe each action taken under subsection (b) or (c) during the period covered by such report or update.

Mr. BYRD. Mr. President, with this supplemental appropriations bill, Congress will have appropriated \$300 billion for military operations and reconstruction activities in Iraq and Afghanistan. That is an enormous sum of money. We say it is for the troops in the field, for armor, weapons, equipment, and other mechanisms necessary to wage a war. But a significant portion does not make it to the troops. Much of it goes to defense contractors, corporate giants such as Halliburton that profit from the military operations and defense expenditures of the U.S. Government.

Halliburton reportedly has been awarded \$11 billion in Iraq contracts. The war in Iraq may symbolize a time of sacrifice for American families, but for some—not all but for some—defense contractors, the cold, hard truth is that Iraq has become an opportunity to reap an enormous profit from America's sons and daughters into war. It is incumbent upon the Congress to be diligent in how these moneys are allocated to defense contractors. It is incumbent upon the Congress to be thorough in its oversight and to be meticulous in its accounting.

The administration has submitted five emergency supplemental spending bills for Iraq and Afghanistan. The size of these supplemental requests is massive, exceeding \$80 billion this year, \$25 million last year, and \$160 billion the year before that. Most of these costs are being considered outside the checks and oversight of the regular budget and appropriations process. It is a confusing and, at times, a beguiling process that results in enormous sums of money flowing to contractors in Iraq, oftentimes without adequate oversight. Such a process invites waste, abuse, and fraud.

I don't belittle the role of defense contractors in Iraq. I belittle the circumstances that the administration has fostered. I belittle the suspicion that this administration has created by veiling its contractor negotiations in secrecy, and the whirlwind of allegations of misconduct and fraud that the administration has invited by not sharing information with the people of the United States, the American public.

The American people have good reason to question the costs emanating from contractors in Iraqi oil fields and Iraqi communities.

Three separate Government auditors have criticized contractor waste in Iraq. Government investigators point